



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

*Mark Yango*  
*Charter Review Coordinator*

*701 Fifth Avenue, Suite 3210*  
*Seattle, Washington 98104*

**King County Charter Review Commission**  
**Rural/Local Subcommittee**  
**Meeting Minutes – October 11, 2007**  
King County Chinook Bldg., 5:30pm-7:30pm

The meeting of the King County Charter Review Commission, Rural/Local Subcommittee, was called to order at 5:40 p.m by Chair John Jensen.

**Committee members in attendance:**

John Jensen  
Terry Lavender  
Mike Lowry  
Jim English  
Gary Long  
Alan Munro

**Absent:**

John Groen  
Tara Jo Heinecke

**Staff :**

Corrie Watterson Bryant, Project Manager, Charter Review Commission  
Becky Spithill, Project Manager, Charter Review Commission

**Council and PAO Staff:**

Rebecha Cusack, Council Liaison to the Commission  
Nick Wagner, Council Co-Liaison to the Commission  
Jennifer Stacey, Prosecuting Attorney's Office

## **1. Opening Remarks and Introductions**

Announcements: The annual Unincorporated Area Council forum will be held at Fauntleroy Hall on Thursday, October 25, 2007. Executive Sims is scheduled to attend the meeting. Jim English will be hosting the meeting.

## **2. Guest Speakers**

David Spohr, King County Rural Ombudsman, gave a brief overview of his job and explained the types of rural/regional issues being brought to him. The Council created his position in the Ombudsman's Office in 2006 to specifically handle land use issues.

After investigation of a complaint, the Ombudsman's office can only offer recommendations and do not act as an advocate, a facilitator, or give legal advice. He will at times give general advice, as an educational tool, to those who don't understand the full extent of the law to give them choices as to the next steps needed to be taken in the process. The bulk of the complaints he receives deal with code enforcement issues and resolution usually takes place at the agency level. It's rare for an issue to go to the council level or higher because of legislation.

The Office of the Ombudsman is addressed in the charter, section 260.

Jim English urged Mr. Spohr to visit with the UACs, especially with the upcoming issues of the 2008 Comp Plan and CAO. Perhaps it may help UAC members understand the services available from the Rural Ombudsman.

Mike Lowry suggests that with the success that Mr. Spohr's position seems to be having with the rural population, perhaps the Executive now needs to create a cabinet level rural affairs department or assign an executive senior staff member that is dedicated to rural issues and can work on reconciling conflicting legislation that pertains to land use, code enforcements and lapover issues of rural and urban. Perhaps this could be a charter amendment from the commission to give the department more authority and will give a sense to the rural areas that there is an authority that is listening to them. It was a consistent theme in the public outreach meetings that rural issues are not being paid attention to by the county at a high level. There was a long discussion among the commissioners on the possible set up and authority of a department like this.

Terry Lavender explained that the county has instituted a rural stewardship program which essentially tries to customize land use and development of a person's property in the rural areas because under the current CAO prescriptive regulations that person would not be able to do anything with the land they have. It's a way of implementing critical areas regulations on an individual piece of property and implementing them in a non prescriptive way where the property owner actually can customize how they will protect the critical areas on their property and still be able to do what they want in development and she believes that the plan then becomes attached to the deed or title of the property. It's an alternative path for property owners who wish to develop their land if they don't want to follow the prescriptive regulations on development stated in the CAO. Property owners need to show that the critical areas have been

protected in an equal or greater way than stated in the regulations but the owner is allowed flexibility in how that's done.

Jim English explained that although the program is an alternative, it is very complex and difficult that the average property owner doesn't want to deal with it and very expensive to deal with the permitting from DDES. As a consequence, the perception of the property owner is property rights taken away from them. The same regulations are not imposed on the urban population by any measure that the rural property owners can see and it's the rural property owners that must deal with it.

In closing, David reminded the group that when development and land use laws are passed, their affects mainly impact unincorporated areas. Perhaps there might be a way to balance that effect and address that fact. When the majority speaks, they're speaking about large areas of land with a small amount of people, thereby imposing their will on a small population.

Alan Munro suggested that the subcommittee come back to this issue to discuss further, in length, in the near future.

### **3. Proposed Open Space Amendment**

John and Terry reported that they had met with Gene Duvernoy, Director of the Cascade Land Conservancy, and Rod Brandon, Director of Environmental Sustainability in the Executive's office. They have put forth a charter amendment on county open space protection. Terry briefed the group. Terry is the chair of the KC Citizens Oversight Committee for Conservation Futures, which is one of the primary funding sources for purchasing open spaces, so she's fairly familiar with the issues surrounding the proposed amendment. The intent is the long process of how land has been protected in King County and do those measures really work in protecting the open space land. The restrictions of the primary funding sources is what protects a specific property. Currently, however, the property can be traded out if the funding source is replaced. So, the purpose of the amendment is to close that loophole. The idea would be that there would not be the ability to trade out a piece of property unless it was taken to the vote of the people. This would protect those properties in perpetuity for the purpose for which it was bought.

The ordinance lists the properties bought with specific funding sources, states the purpose for which they were bought. i.e. open space, forestry, passive recreation, and the type of funding source, i.e. fees purchase, development rights, etc. King County owns some conservation interests in the properties and most of the properties listed represent unincorporated KC and are out of the UGA's. Ag lands purchased under the Farm Land Preservation program are not included in the amendment as it's thought that area has substantial protection already. The intent is to have an inventory done either annually or bi-annually as additional properties are purchased but still allows the normal course of business to continue. It creates a new section in the charter, Section 8, that adds in the language of "these high conservation value properties can only be removed from King County's ownership or inventory by a vote of the people." A change in status of the property would be brought forward by a council referendum/ordinance to be placed on the ballot.

Question on eminent domain priorities and legal principals that may be in conflict in the charter are being looked at by the PAO.

ACTION: Visual Aid: map of where all the properties listed are located.

#### **4. List of Issues**

In brainstorming an issues list, the committee listed:

- Rural representation
- Rural preservation
- Rural governance and urban transition
- Rural area services enhancements
- Sub-area planning and public input having more relevance
- Election of Ag and conservation district candidates are elected
- Better collaboration between regional services that levy taxes and being used as funding sources in communities that they serve.
- Fee-based agencies - is there another way to partly subsidize the agency fees or create a position that can facilitate fee issues.
- Annexation and incorporation of cities

At the next meeting, would like to see which of these issues really fits the charter commission role and what other ways could the issue be handled.

Next meetings:

November 5, 2007, joint meeting with Regional Governance subcommittee, 5:00 pm

November 8, 2007, 5:30 pm – 7:00 pm, Rural Subcommittee

John adjourned the meeting at 7:37 pm.

Respectfully submitted by Charlotte Ohashi